

MAY 16, 2007

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:34 p.m., in a Regular Meeting.

PRESENT: Commissioners Campos, DeJesus, Lee, Marshall, Sparks, Veronese

PUBLIC COMMENT

None

CHIEF'S REPORT

a. Update on significant policing efforts by Department members

Deputy Chief Tabak, for Chief Fong, updated the Commission regarding a press conference to introduce legislation, drafted by the Mayor's Office, with respect to gun legislation, controls and safety measures.

Chief Tabak also reported that the Department has been working with Supervisor Alioto-Piers' office for legislative aide along with Supervisor Mirkarimi and his legislative aide in drafting language that is consistent with the MCD protocol permitting issues that he will be speaking about next Wednesday.

Commissioner Campos requested that if there are any press conferences that involve the Police Department, that members of the Commission be informed in advance.

Commissioner Veronese stated that he had prepared a resolution that included that and addresses that issue.

Commissioner Sparks stated that she received a number of emails about alleged harassment of people from the gay/lesbian community who were in and around Buena Vista Park starting last Thursday night, Friday night, and Sunday night and stated that there appears to have been enhanced enforcement and that part of that was retribution by certain officers of the Department to her election as President to the Commission and asked the Chief to investigate and if she can be informed.

Commissioner Campos stated that he also received several messages and would like to know by next week.

Chief Tabak suggested that if the Commissioners have any emails to please forward it to him.

PUBLIC COMMENT

None

OCC DIRECTOR'S REPORT

- a. Review of Recent Activities**
- b. Presentation of the OCC's Annual Audit under the Department's General Order 8.10, "Guidelines for First Amendment Activities"**
- c. Presentation of the OCC's First Quarter 2007 Statistical Report**

Ms. Jean Field, Interim OCC Director, updated the Commission regarding the Language Access DGO. Ms. Field presented the OCC's Annual Audit under DGO 8.10 and the OCC's First Quarter 2007 Statistical Report.

Commissioner Sparks asked about the budget. Ms. Field stated that she doesn't have anything new to report. Ms. Field stated that last week she reported that she met with the their budget analyst and the Mayor's head budget analyst. She stated that she did the best that she could to substantiate

why the OCC is asking for the different funds asked for, gave them supplemental materials in response to some of the questions that they had. Ms. Field stated that the Mayor's budget analyst stated that since she is the interim director and that the budget is proposed by an interim director, they are inclined to hold off on providing more money until there is a permanent director. In the mean time, Ms. Field is continuing to meet with members of the Board of Supervisors so that they understand what the OCC is asking for and why.

PUBLIC COMMENT

Steve Johnson, POA, discussed concerns regarding civil claims going to the OCC and the OCC filing a complaint against the officer without talking to the complainant.

Commissioner Sparks asked that Ms. Field to address the concerns of the POA. Ms. Field explained that the Department started to forward civil claims to OCC for investigation and what she has done is draft some trial procedures by which to investigate these claims. Ms. Field stated that the OCC has an existing policy from 1997 that laid out how the OCC would investigate these. Ms. Field stated that they've changed the policy so that they are investigating all of those claims and they are allowing complainants of opt out, allowing them to withdraw and they have gotten some of those which is encouraging because the people contacted understands what the process is and what the OCC is doing. Ms. Field stated that she hopes to report back to the Commission in about two months about the results of these types of claims.

Commissioner Campos suggested that people should say what they want to say tonight but save the bulk of the discussion for a future meeting that is properly agendized and that it should be with the OCC, the POA, and the Department speaking.

Mr. Steve Johnson asked the Commission for a directive to the OCC saying no more independent OCC complaints filed against officers unless you have verification from the claimant that they want to file a complaint.

Commissioner Veronese suggested that this issue needs to be addressed with all the parties and asked the POA to sit down with the OCC and with the Chief to figure something out. He also asked Ms. Field to give the Commission the OCC policy that's been discussed with the POA and the Department.

Commissioner Sparks asked that this be put on the agenda for June 23rd and that would give everybody to sit down and review this and even if the details are not worked out among the Department and the OCC and the POA at least there would be a date certain in which the OCC can have a draft policy prepared to be discussed.

Commissioner DeJesus suggested that the OCC keep track of the cases that are within this grey area and then when a policy that everyone agrees on is adopted then maybe the status of those cases can be revised.

Commissioner Sparks asked Ms. Field to forward the policy to Sgt. Reilly to be forwarded to the entire Commission.

Mr. Johnson stated that since the OCC stated that it is a new policy, it is subject to meet-and-confer and would like to put the City Attorney on notice, on the record, so that any further use of that new policy without meeting and conferring would be a violation and that the POA would seek sanctions if they continue to do so.

PUBLIC COMMENT

Daniel Pais discussed concerns about the size of the OCC staff.
**DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED
DEPARTMENT GENERAL ORDER 6.17, "TAXICAB**

REGULATIONS

Captain O'Neill, Support Services, presented DGO 6.17, "Taxicab Regulations."

Commissioner Sparks asked what does the Department do as far as taxicab enforcement as opposed to the Taxi Commission. Captain O'Neill explained that the Taxi Commission was established in 1999. At that time the Commission was not a Department and the Police Department was still performing all of the administrative and enforcement functions. Captain O'Neill stated that within the last two years they started acquiring a staff and the Department has been in the process of transferring many of the administrative duties over to the Taxicab Commission and the Department's staff has been reduced to an inspector and two officers.

PUBLIC COMMENT

Cory Lam, taxi driver, discussed concerns regarding unauthorized cabs in San Francisco and discussed public safety issues.

Motion by Commissioner DeJesus, second by Commissioner Sparks. Approved 6-0.

RESOLUTION NO. 49-07

ADOPTION OF REVISED DEPARTMENT GENERAL ORDER 6.17, "TAXICAB REGULATIONS"

RESOLVED, that the Commission hereby adopts revised Department General Order 6.17, "Taxicab Regulations," as stated below:

TAXICAB REGULATIONS

This order established procedures for the enforcement of regulations affecting taxicabs, promulgated by the San Francisco Taxicab Commission, and that are jointly enforced by this department, along with other law applicable to taxis. Taxi Commission regulations address such issues as lighting, equipment, display of identification cards, etc. Members may obtain a copy of the regulations by calling the Taxicab Enforcement Unit.

I. PROCEDURES

- A. VIOLATIONS OF TAXICAB REGULATIONS. If you observe a violation of the Taxicab Regulations, follow **ONE** of these procedures:
 - 1. Issue a verbal admonishment; or
 - 2. Issue a "San Francisco Police Department Taxi Detail Administrative Citation" for the appropriate violation; or cite to cab class on any Thursday within 30 days; or
 - 3. If you are unclear as to what action is warranted, prepare a memorandum briefly outlining the circumstances and forward to the Taxi Detail.
- B. ROUTING. Route one copy of the memorandum or the "Taxi Detail" copy of an administrative citation through channels to the Taxicab Detail.
- C. COMPLAINTS BY THE PUBLIC. When informed by a person of a violation of the Taxicab Regulations, follow these procedures:
 - 1. COMPLAINT CARD. Advise the person to telephone

or mail a complaint card to the Taxi Detail. All taxicabs are required to be equipped with complaint cards.

2. MEMORANDUM. If the person insists that you record the violation, prepare a memorandum and forward it through channels to the Taxicab Detail.

D. OTHER VIOLATIONS. Upon observing a violation of the Municipal Police Code, Traffic Code, California Vehicle Code or Business and Professional Code, issue the appropriate citation or make an arrest consistent with Department policies and procedures for citations and arrests (See DGO 5.06) and Traffic Enforcement (See DGO 9.01). A copy of any incident report related to enforcement against taxis should be routed to the Taxicab Detail.

References

DGO 5.06, Citation Release

DGO 9.01, Traffic Enforcement

AYES: Commissioners Campos, DeJesus, Lee, Marshall, Sparks, Veronese

COMMISSION ANNOUNCEMENTS

Sergeant Reilly announced that the Commission will meet in the South of Market District at the Gene Friend Recreation Center at 270 Sixth Street.

Commissioner Lee commented that the District Meeting starts too late for seniors and children and asked if it can start earlier.

Commissioner Campos announced that the community meeting on May 30th will start at 5:00 p.m.

SCHEDULING OF ITEMS IDENTIFIED FOR CONSIDERATION AT FUTURE COMMISSION MEETINGS

Commissioner Lee asked about the language access DGO. Deputy Chief Keohane stated that the Department will be meeting with the POA next week and would like to see it calendared around the second week of June.

Commissioner DeJesus asked about the juvenile DGO. Chief Keohane stated that the OCC asked for further modification and is going back to parties involved.

ADJOURNMENT

Motion by commissioner DeJesus, second by Commissioner Lee.
Approved 6-0.

Thereafter, the meeting was adjourned at 6:51 p.m.

Sergeant Joseph Reilly
Secretary
San Francisco Police Commission